



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

HUNDLEY *v.* REYNOLDS et al.

Sept. 17, 1919.

[100 S. E. 825.]

1. **Fraud (§ 58 (1)\*)—Evidence; Clear and Convincing.**—Fraud must be shown by clear and convincing proof, and grave suspicion is not enough to sustain finding of fraud.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 508.]

2. **Vendor and Purchaser (§ 341 (3)\*)—Fraud; Not Shown by Evidence.**—In an action by purchasers for compensation for deficiency in acreage, evidence held insufficient to show fraud on the part of defendant.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 535; 6 Va.-W. Va. Enc. Dig. 508.]

Appeal from Circuit Court, Floyd County.

Bill by one Reynolds and others against one Hundley. Decree for complainants, and respondent appeals. Reversed.

*Jno. P. Lee*, of Rocky Mount, and *Samuel A. Anderson*, of Richmond, for appellant.

*Sowder & Howard*, of Floyd, for appellees.

NICHOLS et al. *v.* NICHOLS et al.

Sept. 17, 1919.

[100 S. E. 826.]

**Wills (§ 635\*)—Opening Vested Interest to Let in After-Born Children.**—Where testatrix gave a fund to trustees for the period of 10 years for the use of her grand-children, share and share alike, and any after-born grandchildren to come into distribution, with directions that at the expiration of the 10 years the trust estate should be divided between grandchildren then living, the issue of any dead to take the share of the parents, the principal of the trust fund vested beneficially on the testatrix's death in the grandchildren then born, subject to open and let in after-born grandchildren, but they were not entitled to share in the income distributed.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 822; 13 Va.-W. Va. Enc. Dig. 818, 819, 821, 842.]

Appeal from Corporation Court of Roanoke.

Suit between one Nichols, as trustee, and others, and one

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Nichols and others, for construction of the will of Mrs. S. E. Nichols, deceased. From the decree, the trustee and others appeal. Reversed.

*Hoge & Darnall*, of Roanoke, for appellants.

*H. M. Fox*, of Roanoke, for appellees.

---

LITTON *v.* WOLIVER.

Sept. 17, 1919.

[100 S. E. 827.]

1. **Seduction (§ 16\*)—Declaration; "Debauch."**—A declaration alleging that defendant debauched and carnally knew the daughter of plaintiff is an allegation that defendant seduced the woman; the word "debauch" meaning to corrupt with lewdness or to seduce.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Debauch. For other cases, see 12 Va.-W. Va. Enc. Dig. 125.]

2. **Seduction (§§ 8, 20\*)—Damages; Wounded Feelings.**—Notwithstanding the provisions of Code 1904, § 2896, dispensing with the need of proof of actual loss of services in case of an action by a parent for the seduction of a daughter who was a member of his family, the parent cannot recover damages for wounded feelings and affections because of defendant's mere sexual intercourse with the daughter, where there was no actual seduction; this being true, though the loss of services is at common law the basis of the action.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 123, 125.]

3. **Appeal and Error (§ 1066\*)—Prejudicial Error; Instructions in Seduction Case.**—Where there was evidence by defendant tending to show that, while he had sexual intercourse with plaintiff's daughter, there was no seduction, the giving of an instruction allowing the recovery of damages for wounded feelings and affections, without any proof of actual seduction, was prejudicial error.

Error to Circuit Court, Lee County.

Action by one Litton against one Woliver. There was a judgment for plaintiff, and defendant brings error. Reversed, and new trial granted.

*J. C. Noel* and *Pennington & Pennington*, all of Pennington Gap, for plaintiff in error.

*B. H. Sewell* and *Davidson & Robinett*, all of Jonesville, for defendant in error.

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.